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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-ninth session
Agenda item 11 (c) (iii)

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

REVIEW OF ISSUES NOT PREVIOUSLY THE SUBJECT OF STUDIES BUT WHICH THE SUB-COMMISSION HAD DECIDED TO EXAMINE

INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE

Mr. Ali Khan, Ms. Daes, Mr. Eide, Ms. Ferero Ucros, Mr. Maxim, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer: draft resolution

1997/... International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

Recalling General Assembly resolutions 42/99 of 7 December 1987 and 43/111 of 8 December 1988 reaffirming that all people have an inherent right to life,

Recalling also its resolution 1992/39 on arms production and trade and human rights violations,

Recalling further its resolution 1996/16, in which it requested the Secretary-General to submit a report on information gathered on the use of nuclear weapons, chemical weapons, fuel-air bombs, napalm, cluster bombs, biological weaponry and weaponry containing depleted uranium and their consequential and cumulative effects and the danger they represent to life, physical security and other human rights,

Concerned at the use of weapons of mass or indiscriminate destruction or of a nature to cause superfluous injury or unnecessary suffering, both against members of the armed forces and against civilian populations, resulting in death, pain, misery and disability,

Concerned also at repeated reports of the long-term consequences of the use of such weapons upon human life and health,

Concerned further that the physical effects on the environment of testing, storage or disposal of or debris from such weapons, either alone or in combination, and abandoned contaminated equipment constitute a serious danger to life and health,

Convinced that the use of or threat of use of weapons of mass or indiscriminate destruction and, in certain circumstances, the production and sale of such weapons are incompatible with international human rights and/or humanitarian law,

Convinced also that the production, sale, use or threat of use of chemical and biological weapons are incompatible with international law, as well as the promotion and maintenance of international peace and security,

Convinced further that the use on civilian populations of napalm and fuel-air bombs violates the Protocol on Prohibition or Restrictions on the Use of Incendiary Weapons (Protocol III) to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons,

Believing that the production, sale, use or threat of use of nuclear weapons has serious consequences for the promotion and maintenance of international peace and security,

Believing further that continued efforts must be undertaken to sensitize public opinion to the inhuman and indiscriminate effects of all such weapons and to the need for their complete elimination,

Having considered the report of the Secretary-General (E/CN.4/Sub.2/1997/27) and the many serious questions raised therein,

1. Urges all States to be guided in their national policies by the need to curb the testing, the production and the spread of weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering;

2. Decides to authorize Ms. Ferero Ucros to prepare, without financial implications, a working paper, in the context of human rights and humanitarian norms, assessing the utility, scope and structure of a study on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering.